

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ MAR 01 2010
P.M. (8)
TIME A.M.

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AUGUSTUS PAYNE,

Plaintiff,

ORDER
09 CV 5671 (ENV) (LB)

-against-

HSBC AUTO FINANCE, et al.,

Defendants.

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BLOOM, United States Magistrate Judge:

The Court held an initial pre-trial conference on February 23, 2010. Rodney Drake, counsel for defendant Crossland Group, Inc. ("Crossland"), did not appear at the conference. Mr. Drake filed an "Affirmation of Actual Engagement" at 10:00 p.m. on February 22, 2010 stating that he was scheduled to appear for a trial in state court on February 23, 2010 and requesting an adjournment of the initial conference.¹ However, this request did not comply with my Individual Rules requiring that "[a]ll requests for adjournments . . . be received in writing at least 48 hours before the scheduled conference." Therefore, the Court denied Mr. Drake's request for an adjournment.

At the conference, the Court directed defendants' counsel, including Mr. Drake, to serve initial disclosures on plaintiff by March 12, 2010, and encouraged plaintiff to think about what he might accept to settle this case. The Court also noted that Crossland had not yet filed its answer to HSBC Auto Finance's cross-claim. The Court scheduled a status conference for March 18, 2010 at 2:00 p.m. in Courtroom 11A. Mr. Drake is warned that if he fails to appear at the conference on March 18, 2010, I will recommend that a default judgment be entered against Crossland Group pursuant to Fed. R. Civ. P. 16(f) and 37(b)(2)(A)(vi).
SO ORDERED.

LOIS BLOOM
United States Magistrate Judge

Dated: February 25, 2010
Brooklyn, New York

¹ Mr. Drake also left a voicemail on the Court's answering machine on the morning of February 23, 2010, stating that he would be **unable** to attend the conference.

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